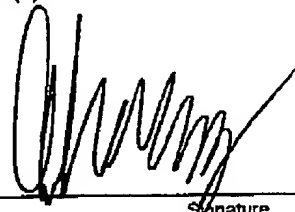


Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 060258-0244515	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____		Application Number 08/983,318	Filed January 15, 1998
		First Named Inventor HUOTARI, Seppo	
		Art Unit 2684	Examiner T. Gesesse
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/86)		Christine H. McCarthy Typed or printed name	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number 41844		703-905-2143 Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		August 4, 2005 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Confirmation No.: 1286

HUOTARI

Group Art Unit: 2684

Appln. No.: 08/983,318

Examiner: T. GESESSE

Filed: January 15, 1998

Title: METHOD FOR TRANSMITTING THE IDENTITY OF A CALLING SUBSCRIBER
TO A CALLED SUBSCRIBER IN A MOBILE COMMUNICATION SYSTEM

* * * * *

ATTACHMENT SHEETS TO PRE-APPEAL BRIEF CONFERENCE REQUEST

Mail Stop AF
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby requests that a panel of examiners formally review the legal and factual basis of the rejections in the above-identified application prior to the filing of an appeal brief. Applicant asserts that the outstanding rejections (now on appeal by virtue of the concurrently filed Notice of Appeal) are clearly improper based both upon errors in facts and the omission of essential elements required to establish a prima facie rejection (i.e., the prior art references fail to disclose, teach or suggest all the recited claim features).

APPEALED REJECTION

Applicant is appealing the rejection of claims 11, 14, 16 and 18 under 35 U.S.C. 102(b) as being anticipated by Alvesalo (U.S. 5,561,840; hereafter "Alvesalo") and the rejection of claims 13, 17 and 19 under 35 U.S.C. 103(a) as being obvious from Alvesalo and Yamaguchi et al. (U.S. 6,002,931; hereafter "Yamaguchi").

ARGUMENTS FOR TRAVERSAL

The appealed rejections are improper because the relied upon references fail to disclose, teach or suggest all of the features recited in combination in the rejected claims. For example, the cited prior art, analyzed individually or in combination, fail to disclose, teach or

30543993v1

HUOTARI – Appln. No. 08/983,318

suggest the claimed “method of transmitting an identity of a calling subscriber to a called subscriber, wherein the called subscriber is a mobile subscriber in a mobile communication system comprising switching centers for establishing a speech connection between the calling subscriber and a mobile station assigned to the called subscriber . . . the method comprising . . . transmitting the identity of the calling subscriber to the switching center associated with the called subscriber via the home location register in connection with a request for routing information”, as recited in rejected independent claim 11 and its dependent claims. Similarly, the cited prior art fails to disclose, teach or suggest the claimed “mobile communication system comprising . . . transmitting means for transmitting an identity of the calling subscriber to the switching center associated with the called subscriber via the home location register in connection with a request for routing information,” as recited in rejected, independent claim 14 and its dependent claims.

Further, the cited prior art fails to disclose, teach or suggest the claimed “combination of a visitor location register plus mobile switching center comprising . . . a third interface toward the called subscriber for establishing the requested speech connection between the calling subscriber and the called subscriber, and for transmitting the identity of the calling subscriber obtained from the home location register to the called subscriber,” as recited in rejected, independent claim 16 and its dependent claims. Similarly, the cited prior art fails to disclose, teach or suggest the recited “home location register . . . comprising . . . a second interface toward a combination of a visitor location register plus mobile switching center for requesting routing information relating to the called subscriber and for transmitting the identity of the calling subscriber to said combination of a visitor location register plus mobile switching center,” as recited in rejected independent claim 18 and its dependent claims.

As explained repeatedly and throughout the prosecution of this application (see, for example, May 22, 2002 Response), conventional usage of a request for routing information merely involves transmitting the identity of the called subscriber (B), because the routing information (e.g., a roaming number) is assigned to the called subscriber (B). Thus, all of the prior art references cited against the claimed invention during the previous nine Office Actions (including Alvesalo) merely disclose conventional techniques in which the identity of the called subscriber (B) is transmitted . . . in connection with a request for routing information. To the contrary, the claimed invention relates to transmitting the identity of the calling subscriber in connection with a request for routing information.

HUOTARI -- Appln. No. 08/983,318

The appealed rejections referred to Fig. 2 and the passage of Alvesalo at column 5, line 29 to column 6 line 11. Fig. 2 illustrates "SEND_ROUT_INFO" and "PROV_ROAM_NUM" as its two first messages. The related text reads:

"FIG. 2 shows a signalling diagram in which the setup of an inbound call to a CT2 subscriber MT is performed in compliance with the GSM recommendation. The mobile services switching center, in this case the gateway MSC (GMSC), receives an international telephone number (international ISDN number) of a MT from A-subscriber from another network, and forwards it to the home location register HLR of the mobile telephone network, requesting it to provide routing information (SEND_ROUT_INFO). ... The HLR again checks from its data file the visitor location register VLR within the area of which the mobile telephone MT having this particular ISDN number is currently located, and requests this VLR to provide a roaming number by sending it an international mobile station identifier (IMSI) used in the mobile telephone network (PROV_ROAM_NUMBER). The VLR assigns a roaming number (MSRN) to the mobile telephone MT (sic) for this call and sends it to the HLR (ROAM_NUM_ACK). The HLR forwards (ROUT_INFO_ACK) the roaming number MSRN as routing information to the gateway MSC (GMSC) (or to another switching center that requested it) which, by utilizing this routing information, routes the inbound call to the MSC of the particular VLR, said MSC requesting the VLR to provide information on the location area of the mobile telephone MT (S_INFO_F_I/C_CALL) and initiating the paging (PAGE) of the mobile telephone within that location area in which the mobile telephone should be located according to the information of the VLR, by sending to the CT2 base station BU a paging request (PAGE_REQ) comprising at least the identifier of the subscriber equipment or subscriber. The CT2 base station BU performs paging of the mobile telephone (PAGING) in compliance with the CAI specification, and subsequent to a successful paging, an acknowledgement is sent (PAGE_RES) to the switching center MSC and further to the VLR (PROV_ACC_REQ). Thereafter a call is set up between the A-subscriber and the mobile telephone MT. (emphasis added)

This passage, in combination with Fig. 2 clearly teach that the mobile terminal MT is the "called terminal," corresponding to called terminal (B) discussed in Applicant's disclosure. Thus, in accordance with the teachings of Alvesalo, the MSC/VLR receives the number of the mobile terminal MT (i.e., the called terminal (B)) from the A-subscriber. This operation is fundamentally different then the MSC/VLR receiving a number of a calling subscriber, as in the claimed invention.

Ironically, the appealed rejection includes emphasis regarding the key sentence of Alvesalo that actually distinguishes Alvesalo from the claimed invention (see, page 3 of the February 7, 2005 Office Action underlining "the switching center receives an international telephone number of a MT from A-subscriber from another network"). However, the

HUOTARI -- Appln. No. 08/983,318

preposition "of" and the fact that the MT is the called subscriber demonstrate that Alvesalo merely discloses the same conventional technique in which the MSC/VLR of the called terminal receive the number of a called terminal in a request for roaming information.

The ISDN referred to in that passage is that of the called (A) subscriber, not of the calling (A) subscriber. Moreover, even if the called (A) subscriber's ISDN was transmitted to the called subscriber's (B) network, it would only be transmitted as far as the gateway MSC (GMSC), which does not read on or correspond to the above-identified claim features wherein the identity of the calling subscriber is transmitted to the switching center associated with the called subscriber via the home location register.

As further evidence of the factual deficiencies of the rejection, the "switching center associated with the called subscriber" is the MSC, not the GMSC (see Fig. 2). Thus, Alvesalo simply fails to disclose or teach transmission of a calling party's identity to the MSC via the HLR.

Furthermore, Alvesalo provides no suggestion or indication of the possibility of transmitting a calling party's identity to the MSC serving the called party (mobile terminal MT in Alvesalo's FIG. 2) because the entity requesting routing information for MT, is not the calling party; rather, the GMSC is requesting routing information, which is why the VLR needs the identity of the GMSC but not the identity of the calling party.

Even assuming for argument's sake, that the GMSC could be interpreted as a switching center associated with the called subscriber, Alvesalo fails to disclose transmitting the identity of the calling subscriber to GMSC via the HLR.

Thus, Applicant submits that Alvesalo is merely another reference in a long line of references cited against the claimed invention. In fact, Alvesalo teaches nothing more than Ericsson et al. (U.S. 5,956,637; hereafter "Ericsson"), which was cited in the sixth Office Action. Both Alvesalo and Ericsson merely teach a conventional request for roaming information. However, the Office has already recognized that such disclosure does not anticipate the claimed invention as indicated by the withdrawal of the previous rejection based on Ericsson.

Turning to the other cited prior art reference, Yamaguchi, it fails to remedy the deficiencies of Alvesalo because Yamaguchi merely discloses details of interworking for roaming among a plurality of mobile networks having different inter-network signaling protocols in accordance with the MAP specification. However, there is no teaching or

HUOTARI -- Appln. No. 08/983,318

suggestion of transmitting the identity of the calling subscriber in connection with a request for routing information.

Accordingly, the combined teachings of Alvesalo and Yamaguchi fail to disclose, teach or suggest he claimed invention, wherein the identity of the calling subscriber is transmitted in connection with a request for routing information.

CONCLUSION

Therefore, it is respectfully requested that the panel return a decision concurring with Applicant's position and eliminating the need to file an appeal brief because there are clear legal and/or factual deficiencies in the appealed rejections. Specifically, the subject matter recited in claims 11, 14, 16 and 18 is not anticipated by Alvesalo and the subject matter of claims 13, 17 and 19 is not rendered obvious by the combined teachings of Alvesalo and Yamaguchi. Thus, all pending claims 11, 13-14 and 16-19 are allowable.

Respectfully submitted,

PILLSBURY WINTHROP
SHAW PITTMAN LLP

By: 

Christine H. McCarthy
Reg. No.: 41,844
Tel. No.: (703) 905-2143
Fax No.: (703) 905-2500

Date: August 4, 2005

P.O. Box 10500
McLean, VA 22102
(703) 905-2000